

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** Chairman Kelly Gebhardt, on January 28, 2009 at 2:30 P.M., in Room 422 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Kelly Gebhardt, Chairman (R)  
Sen. Debby Barrett, Vice Chairman (R)  
Sen. Aubyn Curtiss (R)  
Sen. Ken (Kim) Hansen (D)  
Sen. Jim Keane (D)  
Sen. Gary L. Perry (R)  
Sen. Jim Peterson (R)  
Sen. Mitch Tropila (D)  
Sen. David E. Wanzenried (D)

##### **Members Excused:**

Sen. Christine Kaufmann (D)  
Sen. Donald J. Steinbeisser (R)

**Members Absent:** None.

**Staff Present:** Lindsey Hern, Committee Secretary  
Sonja Nowakowski, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 120, 1/19/2009; SB 147,  
1/19/2009; SB 149, 1/19/2009; SB  
200, 1/19/2009

Executive Action: SB 71, SB 62

Sen. Steinbeisser came in after roll call.

**EXECUTIVE ACTION ON SB 71**

00:01:14 Chairman Gebhardt

00:01:55 **Motion:** Sen. Barrett moved that **SB 71 DO PASS.**

00:02:04 **Motion:** Sen. Gebhardt moved that **SB 71 BE AMENDED.**  
**EXHIBIT**(nas20a01)

**Discussion:**

00:02:15 Sen. Gebhardt

00:03:09 Sen. Wanzenried

00:03:52 Sen. Tropila

00:04:17 Sen. Wanzenried

00:04:52 **Vote:** Motion that **SB 71 BE AMENDED** passed 8-3 by voice vote with Sen. Kaufmann, Sen. Hansen, and Sen. Wanzenried voting no. Sen. Kaufmann voted by proxy.

00:05:42 **Motion/Vote:** Sen. Gebhardt moved **SB 71 DO PASS AS AMENDED.** Motion carried 8-3 by voice vote with Sen. Hansen, Sen. Kaufmann, and Sen. Wanzenried voting no.

**EXECUTIVE ACTION ON SB 62**

00:06:33 **Motion:** Sen. Perry moved that **SB 62 DO PASS.**

00:06:38 **Motion:** Sen. Gebhardt moved that **SB 62 BE AMENDED.**  
**EXHIBIT**(nas20a02)

**Discussion:**

00:07:48 Sen. Tropila

00:08:44 **Vote:** Motion that **SB 62 BE AMENDED** carried 9-1 by voice vote with Sen. Wanzenried voting no. Sen. Kaufmann was excused.

00:09:24 **Motion:** Sen. Perry moved **SB 62 AS AMENDED.**

**Discussion:**

00:09:37 Sen. Perry

00:09:38 Chairman Gebhardt

00:10:04 Sen. Peterson

00:10:17 Sen. Tropila

00:11:13 Chairman Gebhardt

00:11:26 Sen. Wanzenried

00:11:46 Sen. Tropila  
00:12:42 Sen. Barrett  
00:12:55 Chairman Gebhardt  
00:13:07 Sen. Barrett  
00:13:14 Sen. Tropila  
00:13:25 Sen. Peterson

00:13:38 **Vote:** Motion that **SB 62 DO PASS AS AMENDED** carried 8-3 by voice vote with Sen. Kaufmann, Sen. Tropila, and Sen. Wanzenried voting no. Sen. Kaufmann voted by proxy.

**Discussion of SB 95:**

00:14:22 Sen. Wanzenried  
00:16:20 George Mathieus, Department of Environmental Equality (DEQ)  
00:17:54 Sen. Wanzenried  
00:18:15 Tim Burton, City Manager, Helena  
00:24:42 Sen. Barrett  
00:25:25 Chairman Gebhardt

Sen. Kaufmann came into the committee.

**HEARING ON SB 200**

**Opening Statement by Sponsor:**

00:31:24 Sen. Ron Erickson (D), SD 47, opened the hearing on SB 200, Restrict phosphorous cleaning products in certain areas.

**[EXHIBIT\(nas20a03\)](#)**

**Proponents' Testimony:**

00:36:41 Jim Carlson, Environmental Health, Missoula Health Department

**[EXHIBIT\(nas20a04\)](#)**

**[EXHIBIT\(nas20a05\)](#)**

**[EXHIBIT\(nas20a06\)](#)**

**[EXHIBIT\(nas20a07\)](#)**

**[EXHIBIT\(nas20a08\)](#)**

**[EXHIBIT\(nas20a09\)](#)**

00:40:53 Sen. John Brueggeman, SD 6, Polson  
00:41:41 William McDowell, Tristate Water Basin  
00:46:15 Mr. Burton, City Manager, Helena  
00:46:40 Linda Gryczan, Women's Voices From The Earth  
00:47:41 Peter Nielsen, Missoula Water District

**[EXHIBIT\(nas20a10\)](#)**

00:48:39 Mr. Mathieus, DEQ  
00:50:30 Mark Aagenes, Montana Trout Unlimited  
00:51:49 Brianna Randall, Clark Fork Coalition  
[EXHIBIT \(nas20a11\)](#)

00:52:41 Casey Perkins, Montana Audubon

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:53:22 Sen. Perry  
00:54:04 Mr. Mathieus, DEQ  
00:54:36 Sen. Keane  
00:55:01 Sen. Erickson  
00:55:42 Sen. Keane  
00:56:14 Mr. Mathieus, DEQ  
00:57:17 Sen. Keane  
00:57:26 Mr. Mathieus, DEQ  
00:57:45 Sen. Keane  
00:57:53 Mr. Mathieus, DEQ  
00:58:31 Sen. Kaufmann  
00:59:15 Sen. Erickson  
00:59:39 Sen. Barrett  
01:00:10 Sen. Erickson  
01:00:32 Sen. Perry  
01:00:53 Sen. Erickson  
01:01:37 Sen. Perry  
01:01:42 Sen. Erickson  
01:02:04 Mr. Mathieus, DEQ  
01:02:53 Sen. Perry  
01:03:16 Sen. Erickson  
01:03:28 Sen. Curtis  
01:03:57 Sen. Erickson  
01:04:52 Sen. Curtiss  
01:05:19 Chairman Gebhardt  
01:05:53 Sen. Keane  
01:06:18 Mr. Mathieus, DEQ  
01:06:31 Sen. Keane  
01:06:49 Mr. Mathieus

**Closing by Sponsor:**

01:07:19 Sen. Erickson  
01:08:04 Chairman Gebhardt

**Additional Exhibit for SB 200**

**EXHIBIT(nas20a12)**

**HEARING ON SB 120**

**Opening Statement by Sponsor:**

01:09:21 Sen. Ryan Zinke (R), SD 2, opened the hearing on SB  
120, Revise the controlled groundwater area petition  
laws.

**Proponents' Testimony:**

01:14:18 John Tubbs, Administrator, Water Division, Department  
of Natural Resources and Conservation (DNRC)

**EXHIBIT(nas20a13)**

**EXHIBIT(nas20a14)**

**EXHIBIT(nas20a15)**

01:16:04 Abigail St. Lawrence, Montana Association of Realtors  
(MAR) and Montana Building Association

**EXHIBIT(nas20a16)**

01:18:51 Kathy Moore, Administrator, Lewis and Clark County  
Water District

**EXHIBIT(nas20a17)**

**EXHIBIT(nas20a18)**

01:21:13 Peter Nielsen, Missoula Water District

01:22:45 Tim Davis, Montana Smart Growth Coalition

01:24:19 Ronda Wiggers, Montana Water Drillers Association  
(MWDA)

01:26:42 Krista Lee Evans, Association of Gallatin Agricultural  
Irrigators (AGAI)

01:28:01 Mike Murphy, Montana Water Resources Association (MWRA)

**Opponents' Testimony:**

01:32:41 Mark Fix, Farmer and Irrigator

**EXHIBIT(nas20a19)**

01:35:26 Sen. Steinbeisser came to committee.

01:36:18 Brenda Lindelief-Hall, Tongue River Water Users  
Association

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:40:01 Sen. Barrett  
01:40:17 Mr. Tubbs, DNRC  
01:41:35 Sen. Kaufmann  
01:42:21 Ms. Moore, Lewis and Clark County Water District  
01:43:11 Sen. Kaufmann  
01:44:18 Ms. Moore, Lewis and Clark County Water District  
01:44:27 Sen. Kaufmann  
01:45:03 Mr. Tubbs, DNRC  
01:46:13 Sen. Kaufmann

**Closing by Sponsor:**

01:46:40 Sen. Zinke  
01:49:06 Sen. Barrett

**HEARING ON SB 149**

**Opening Statement by Sponsor:**

01:51:33 Sen. John Brueggeman (R), SD 6, opened the hearing on SB 149, Change of use for municipal or county water and sewer districts.

**[EXHIBIT\(nas20a20\)](#)**

**Proponents' Testimony:**

01:53:12 Mr. Tubbs, DNRC  
01:56:40 Alec Hansen, Montana League of Cities and Towns (MLCT)  
01:58:11 Don MacIntyre, Mountain Water Company of Missoula

**[EXHIBIT\(nas20a21\)](#)**

02:00:10 Ross Miller, Hamilton, Mountain Water Company of Missoula

**[EXHIBIT\(nas20a22\)](#)**

02:03:09 Mr. Nielsen, Missoula Water District

**Opponents' Testimony:**

02:03:56 Ms. Evans, AGAI, and Senior Water Rights Coalition (SWRC)  
02:07:24 Mr. Murphy, (MWRA)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

02:08:15 Sen. Keane  
02:08:36 Ms. Evans, AGAI and SWRC  
02:09:14 Sen. Keane  
02:09:16 Ms. Evans  
02:09:25 Ms. Kauffmann  
02:09:32 Mr. Tubbs, DNRC  
02:11:10 Sen. Barrett  
02:12:23 Mr. Tubbs  
02:12:27 Sen. Barrett  
02:12:33 Mr. Tubbs  
02:13:07 Sen. Barrett  
02:13:44 Mr. Tubbs  
02:15:58 Sen. Barrett  
02:16:38 Mr. Tubbs

**Closing by Sponsor:**

02:18:13 Sen. Brueggeman

02:20:49 Recess

Sen. Peterson and Sen. Tropila left the committee.

**HEARING ON SB 147**

**Opening Statement by Sponsor:**

02:28:21 Sen. Bob Hawks (D), SD 33, opened the hearing on SB  
147, Revise the Comprehensive Environmental Cleanup and  
Responsibility Act.

**Proponents' Testimony:**

02:33:17 Sandi Olson, DEQ

[EXHIBIT \(nas20a23\)](#)

02:40:01 Mr. Nielsen, Missoula Water District

[EXHIBIT \(nas20a24\)](#)

[EXHIBIT \(nas20a25\)](#)

**Opponents' Testimony:**

02:45:51 John Fitzpatrick, Self

02:51:25 Dave Galt, Executive Director, Montana Petroleum  
Association (MPA)  
02:52:01 Debbie Shea, Montana Mining Association (MMA)  
02:54:09 Ms. St. Lawrence, MAR  
02:55:14 Don Allen, Western Environmental Trade Association  
(WETA)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

02:56:04 Sen. Wanzenried  
02:56:26 Ms. Olson, DEQ  
02:58:23 Sen. Wanzenried  
02:58:37 Mr. Nielsen, Missoula Water District  
03:00:09 Sen. Barrett  
03:00:29 Ms. Olson, DEQ  
03:01:15 Sen. Barrett  
03:01:45 Ms. Olson, DEQ

**Closing by Sponsor:**

03:03:07 Sen. Hawks

**Additional Exhibits:**

[EXHIBIT \(nas20a26\)](#) SB 100 Heard 01/21/09

[EXHIBIT \(nas20a27\)](#) SB 102 Heard 01/26/09



**ADJOURNMENT**

Adjournment: 5:40 P.M.

---

Lindsey Hern, Secretary

lh

Additional Documents:

**EXHIBIT ([nas20aad.pdf](#))**